

## Faulk, Camilla

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**From:** Elston, Michael [MELSTON@spokanecounty.org]  
**Sent:** Wednesday, December 29, 2010 12:03 PM  
**To:** Faulk, Camilla  
**Subject:** Proposed amendment to court rule 4.11

Ms Faulk,

I am writing this e-mail to comment on the proposed amendment to rule 4.11 allowing recording of witness interviews. Many people associated with various parties to the criminal justice process will have statements either in support or opposition based on their perception of whether or not it helps "their" side in the criminal process. I urge those parties considering this issue to consider it not in those terms, but instead in the following terms: What do the citizens of Washington expect from their criminal justice system?

I submit that the citizens of Washington expect objectivity and accuracy *above all else* in the matter of taking witness statements. All witness statements are recorded at every stage of the criminal justice process, from the first contact with law enforcement minutes after an incident to testimony taken in court at the conclusion of a trial months later. The only question is this: How are they to be recorded? With notes? With transcription? It is indisputable that an actual audio recording is more accurate, complete, and objective than any other form of documenting a statement through lesser means. To fail to record a statement that could be recorded and instead choose to rely on notes is no different than discarding a booking-photo camera and using a pencil-drawing to present a photo montage of a potential suspect to a crime victim. It is illogical and unethical to voluntarily choose to present the citizens with low-grade information when high grade information of unquestionably superior objectivity and accuracy is readily available.

In this day and age, when children are often easily able to make their own video recordings with inexpensive recording toys and many cell phones also have video cameras built into them, citizens expect important events to be recorded with the common technology of the day. They expect the legal system to provide them and their juries with the most accurate, objective and complete information available. The state of Washington is obligated to honor that expectation.

Regards,  
Michael Elston